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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/608,977	06/28/2003	Kenneth Craig Barker	

Kenneth C. Barker  
 15660 Cranbrook St.  
 San Leandro, CA 94579



CONFIRMATION NO. 5763

## FORMALITIES LETTER



\*OC000000013264606\*

Date Mailed: 07/19/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 36 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required.

A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*P. Phuong*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



P. Phuong  
Customer Service Center  
Initial Patent Examination Division  
United States Patent and Trademark Office

Kenneth C. Barker  
15660 Cranbrook St.  
San Leandro, CA 94579

July 23, 2004

Dear P. Phuong,

This is a petition in reply to the Notice of Omitted Item(s) in a Nonprovisional Application for:

APPLICATION NUMBER	10/608,977
FILING DATE	06/28/2003
TITLE	Flipbook for making words according to orthographic patterns
FIRST NAMED APPLICANT	Kenneth Craig Barker

Included, please find this petition, PART 2 – COPY TO BE RETURNED WITH RESPONSE, a check for the \$130.00 petition fee, and a copy of page 36 of the application.

This petition requests that you consider two points:

1. Since the above application, including all pages except the drawings, is a contiguous computer file, I feel some confidence that page 36 was printed and included in the material sent to the USPTO. However, the second of these points may render the first a non-issue.
2. Page 36 contains no information regarding the specification. In writing this nonprovisional patent application, I endeavored to follow the formalities set forth in USPTO publications and the Nolo books. The copy of page 36, which I have included, merely indicates that a "Sequence listing" is "Not applicable."

Page 36 can be considered a nonessential filler item between the *claims* portion of this application and the *sources cited* portion. If it is missing from the rest of the application I request that you consider this a preliminary amendment, submitted prior to the first Office action, asking that you kindly renumber the pages consecutively to eliminate page 36.

Sincerely,

Kenneth C. Barker

**Sequence listing**

Not applicable.